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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,736

07/02/2003

Takehiko Ohara

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7590

10/22/2007

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EXAMINER

CHANNAVAJJALA, LAKSHMI SARADA

ART UNIT

PAPER NUMBER

1615

MAIL DATE

DELIVERY MODE

10/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/612,736	<b>Applicant(s)</b> OHARA, TAKEHIKO	
	<b>Examiner</b> Lakshmi S. Channavajjala	<b>Art Unit</b> 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 8-20-07 has been entered.

Claims 1 and 3-4 are pending in the instant application.

### ***Claim Objections***

Claims 1 and 3-4 are objected to because of the following informalities:

Instant claim 1 has a period in the middle of the claim, which is improper. Claim 3 does not begin with a capitalized letter. Please note that a claim should start with a capitalized letter and end with a period. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1 and 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Instant claim 1 does not recite all of the method steps completely because after the first step of coating a fingernail with an aqueous resin material, the following two steps do not have any specific method limitation after coating and

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artificial nail removed with hot water. Further claim 3, does not recite any specific method step and thus does not convey as to what is being claimed. Claim 4 is dependent upon claim 1, which in turn is incomplete.

*For the purposes of examination, instant claim 1 is considered to include the steps of coating a fingernail with an aqueous thermoplastic resin, drying the resin, applying a coating of an instantaneous adhesive and bonding the said artificial nail to said fingernail by means of the adhesive agent (the steps of claim 1 of the amendment dated 11-16-06). Claim 3 is construed as being dependent from claim 1.*

### **Claim Rejections - 35 USC § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,767,648 to Hokoma in view of US 4,157,095 to Sweet and GB2340392 (GB) OR Hokoma in view of GB.

Hokoma teaches a method of accomplishing rapid and durable French manicure, comprising the steps of providing a flexible tab having a white surface that has an oversized finger nail tip, applying the tab to the finger nail and trimming the tab extent beyond the forward edge of the fingernail (abstract, claim 1). Hokoma teaches that before applying the tab to the fingernail, the nail is coated with a primer liquid coating, over the entire surface of the nail (col. 2, L

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60-64) and allowed it to dry so that the tab is adherent to the coating (claim 2 of Hokoma). Thus, the step of primer coating of Hokoma reads on instant step of coating with a thermoplastic coating. Hokoma further teaches that the tab consists of flexible sheet and a pressure sensitive adhesive under layer, adapting the tab to be applied to the nail. The step of attaching the tab (that constitutes the artificial nail), by means of a pressure sensitive adhesive, to the polymer coat reads on instant steps 2 and 3 because even though Hokoma teaches the presence of an adhesive underneath the tab and not as a separate coating over the polymer coat, adhesive tab is still in contact with the dried polymer coat.

Hokoma does not teach an aqueous coating on fingernails before applying the artificial nail.

Sweet teaches a method of reinforcing an artificial nail, wherein the fingernail is first reinforced with a thermoplastic polymer resin such as a acrylic resins, polyester resins etc (col. 3, L 50-col. 4, L 10). Sweet does not state if the resin is soluble or not.

GB teaches a method of adhering artificial nails by means of water-soluble materials such that the artificial nails could be easily removed by soaking them in warm water (specification and claims). Thus, the prior art of record recognizes employing water-soluble materials to attach artificial nails.

Therefore, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to use a thermoplastic material that is water-soluble material as a primer material, before fixing the tabs of Hokoma

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because Sweet suggests increasing the aesthetic appearance of the artificial nail by the thermoplastic resin and GB suggests that the soluble materials can easily be removed by soaking in warm water, which is also the intended in the instant invention.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,767,648 to Hokoma in view of Sweet and GB2340392 (GB), as applied to claim 1 above, and further in view of JP 02067384.

Hokoma and GB discussed above do not teach the claimed polyvinyl solution. Sweet suggests reinforcing artificial nails by coating the natural nails with a thermoplastic polymer material.

The polymeric material employed by Hokoma is nothing but an adhesive because Hokoma employs Crazy glue (col. 3, L 15-16).

JP teaches a water-based adhesive composition that is safe for human body and that has a strong sticking force (abstract). The adhesive of JP comprises a copolymer emulsion of ethylene, vinyl acetate, acrylate and polyvinyl alcohol. It would have been obvious for one of an ordinary skill in the art at the time of the instant invention to incorporate the adhesive of JP as a polymer coating in place of Crazy Glue of Hokoma, to coat the fingernails before placing the artificial nail containing the adhesive tab because JP suggests that the above copolymer is safe for human use while being very sticky. JP does not teach the amounts of the polyvinylalcohol. However, choosing an appropriate amount of a

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polyvinyl alcohol based adhesive so as to achieve the desired sticking force would have been within the scope of a skilled artisan.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM - 4.00 PM.

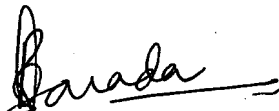
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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October 16, 2007

  
**LAKSHMI S. CHANNAVAJALA**  
**PRIMARY EXAMINER**